



Rhode Island Department of Public Safety Division of Sheriffs

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
GENERAL	01/07/2019	300.00	01/07/2019
SUBJECT TITLE		SUBJECT AREA	
USE OF FORCE		USE OF FORCE	
RIPAC REFERENCE		PREVIOUSLY ISSUED DATES	
2.9, 2.10, 2.11, 2.12, 2.13, 2.16, 2.18, 2.19, 2.21, 2.23		06/25/2014, 08/14/2018	
DISTRIBUTION	REEVALUATION DATE		PAGES
ALL	ANNUAL		9

I. PURPOSE

The purpose of this policy is to provide Deputy Sheriffs with guidelines on the use of force.

II. DEFINITIONS

- A. **LETHAL FORCE:** Any use of force that is likely to cause death or serious bodily injury. Lethal Force is also referred to as deadly physical force.
- B. **REASONABLE BELIEF:** Those facts and circumstances that would lead a normally prudent Deputy Sheriff to believe that an imminent threat of death or bodily injury exists.
- C. **SERIOUS BODILY INJURY:** Physical injury that (1) creates a substantial risk of death, serious disfigurement or (2) protracted loss or impairment of the function of any bodily part, member, or organ, or (3) causes serious permanent disfigurement.
- D. **IMMINENT:** Such an appearance of threatened and impending injury as would cause a reasonable Deputy Sheriff to act to stop the threat.
- E. **LESS LETHAL FORCE OPTION:** Any use of force other than that which is considered lethal or deadly force.

- F. **OBJECTIVELY REASONABLE FORCE:** Objectively reasonable force is that level of force which is appropriate when analyzed from the perspective of a reasonable Deputy Sheriff possessing the same information and faced with the same circumstances as the Deputy Sheriff who has actually used force. Objectively reasonable force is not judged with hindsight, and will take into account, when appropriate, the fact that Deputy Sheriffs must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations. Important factors to be considered when deciding how much force can be used to apprehend or subdue a subject include, but are not limited to, the severity of the crime at issue, whether the subject poses an imminent threat to the safety of the Deputy Sheriffs or others, and whether the subject is actively resisting arrest or attempting to evade arrest by flight. This policy guideline applies to all uses of force, including lethal force.

III. POLICY

It is the policy of the Rhode Island Division of Sheriffs to recognize and respect the value and special integrity of each human life. In vesting Deputy Sheriffs with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

Therefore, it is the policy of the Division that Deputy Sheriffs will use only that force that is objectively reasonable to accomplish lawful objectives.

IV. PROCEDURES

A. PARAMETERS FOR USE OF LETHAL FORCE

1. Deputy Sheriffs are authorized to use lethal force in order to protect him/herself, another Deputy Sheriff, or other person(s) when the Deputy Sheriff has a reasonable belief that an imminent threat of death or serious bodily injury exists to himself/herself, another Deputy Sheriff or other person(s), to include effecting the capture of or the prevention of the escape of a subject whose freedom represents an imminent threat of death or serious bodily injury.
2. When feasible, Deputy Sheriffs will identify themselves and state their intent to use lethal force.
3. A Deputy Sheriff may also discharge a firearm under the following circumstances:
 - i. During range practice or competitive sporting events.
 - ii. To euthanize an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.

4. Deputy Sheriffs will adhere to the following restrictions when their firearm is exhibited:
 - i. Except for maintenance or during training, Deputy Sheriffs will not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the firearm in conformance with this policy.
 - ii. Warning shots are prohibited.
 - iii. Deputy Sheriffs will not fire their firearms **at or from** a moving vehicle, except for the following:
 - a. When firing their firearms at a moving vehicle is necessary to stop a threat as provided for in Section IV, A (1) above, the Deputy Sheriff's focus will be to stop that person presenting the threat and not to disable the vehicle of which he/she is an occupant.
5. These provisions will not preclude tactical responses by Division members.

B. PARAMETERS FOR USE OF LESS LETHAL FORCE

1. Less Lethal Force Options

- i. The degree of force used by a Deputy Sheriff is directly related to the facts and circumstances encountered by that Deputy Sheriff. Force options currently available to Deputy Sheriffs include, but are not limited to:
 - a. **Command Presence**- A Deputy Sheriff's appearance may be enough to dissuade some persons from engaging in resistive behavior.
 - b. **Verbal Commands**-Dialogue used by a Deputy Sheriff can serve to diffuse potentially violent situations.
 - c. **Physical Strength and Skills** - Physical techniques used by a Deputy Sheriff to diffuse potentially violent situations.
 - d. **Chemical Spray**- Used in compliance with General Order 300.03 entitled "Oleoresin Capsicum (O.C.)".
 - e. **Impact Tools**- Striking tools used in compliance with General Order 300.01, "ASP 21 inch Friction Lock Baton".
 - f. **Conducted Electrical Weapon (CEW) Taser**- Used in compliance with General Order 300.02 entitled "Use of Conducted Electrical Weapons (CEW), Taser".
- ii. Techniques intended or designed to cut off blood flow or oxygen to the brain will not be used unless lethal force is authorized.
- iii. It is understood that when requesting mutual aid assistance, the available force options of the responding agency may be different from those of

- the requesting agency. Responding officers shall be subject to the policies and procedures of their employing agencies at all times.
- iv. Authorized less lethal weapons are those with which the Deputy Sheriff has received Division approved training on proper and safe usage, and that comply with Divisional specifications. A certified instructor will inspect and approve all less lethal weapons authorized for duty prior to issuance.
2. Where lethal force is not authorized, Deputy Sheriffs should assess the incident in order to determine which less lethal force option will best de-escalate the incident and bring it under control in a safe manner.
 3. Deputy Sheriffs are authorized to use Division-approved less lethal force options to accomplish lawful objectives, as follows:
 - i. To protect themselves or another from physical harm.
 - ii. To restrain or subdue a resistant individual.
 - iii. To bring an unlawful situation safely and effectively under control.
 4. It is not the intent of this policy to direct Deputy Sheriffs to try each of the options before escalating to the next. The Deputy Sheriff may employ that force option which he/she believes is objectively reasonable to accomplish lawful objectives.
 5. Nothing contained in this policy limits a Deputy Sheriff's ability to use those means reasonably necessary for self-defense, or to accomplish lawful objectives.

C. PROVIDING FIRST AID

1. Appropriate medical attention will be administered as needed and as soon as is practical in all lethal force and less lethal force option usage resulting in injury or complaint of injury. The Division member will notify his/her immediate supervisor of the injury or complaint of injury.
2. Appropriate medical aid procedures may include:
 - i. Calling for immediate medical assistance;
 - ii. Providing basic care, consistent with the American Red Cross First Aid and Safety Procedures taught during recruit and in-service training sessions, until professional medical assistance arrives.

D. TRAINING AND QUALIFICATIONS REGARDING LETHAL FORCE

1. Firearms

- i. While on and off-duty, Deputy Sheriffs will carry and use only firearms and ammunition authorized by and documented with the Division.

- ii. Authorized firearms are those with which the Deputy Sheriff has qualified and received Divisional training on proper and safe usage, and that are registered and comply with Divisional specifications.
- iii. The Division shall have a separate policy addressing the authorization of duty, off-duty and specialized firearms, weapons and ammunition.
- iv. A qualified firearms instructor or Armorer will inspect and approve all firearms authorized for duty prior to issuance and annual qualifications.
- v. Unsafe or defective Division issued firearms will be replaced.
- vi. At least annually, and in accordance with Rhode Island General Law, the Division will schedule training and qualification sessions for duty, off duty and specialized firearms, which will be graded and documented on a pass/fail basis by a certified firearms instructor.
- vii. Recent graduates of the Rhode Island Municipal Police Training Academy RIMPTA, Sheriff's Academy and any in-state lateral transfer Deputies who enter service into the Division prior to the Division's annual qualification session, shall be qualified on the Division's course of fire prior to deployment.
- viii. Deputy Sheriffs who are unable to qualify with their duty firearm(s), in accordance with Division testing procedures will be given individual training by the Division's firearms instructor.
- ix. Upon successful completion of this training, the Deputy Sheriff will again be given the opportunity to requalify. If after a second attempt, the Deputy Sheriff does not qualify, a report will be forwarded to the Chief Sheriff by the firearms instructor. The Chief Sheriff will then take such action, as he/she deems necessary, not inconsistent with this policy.
- x. A Deputy Sheriff will not be permitted to carry or use any firearm with which he/she has not been able to qualify during the most recent qualification period.
- xi. A Deputy Sheriff that has suffered an illness or injury that could affect his/her ability to use firearms will be required to requalify before returning to enforcement duties.
- xii. At least annually, the Division will ensure that each Deputy Sheriff receives training on the Division's Use of Force Policies, and document same. This includes recent graduates of the Division of Sheriffs Academy, Rhode Island Municipal Police Training Academy and any in-state lateral transfer Deputy Sheriffs who enter into Division service prior to the Division's annual Use of Force training session.
 - a. All Deputy Sheriffs will sign for and receive copies of the Use of Force policies and any revisions as they occur.

E. TRAINING AND QUALIFICATIONS REGARDING LESS LETHAL FORCE

1. Less Lethal Force Options

- i. The degree of force used by a Deputy Sheriff is directly related to the facts and circumstances encountered by that Deputy Sheriff. Force options currently available to Deputy Sheriffs include, but are not limited to:
 - a. **Command Presence**- A Deputy Sheriff's appearance may be enough to dissuade some persons from engaging in resistive behavior.
 - b. **Verbal Commands**-Dialogue used by a Deputy Sheriff can serve to diffuse potentially violent situations.
 - c. **Physical Strength and Skills** - Physical techniques used by a Deputy Sheriff to diffuse potentially violent situations.
 - d. **Chemical Spray**- Used in compliance with General Order 300.03 entitled "Oleoresin Capsicum (O.C.)".
 - e. **Impact Tools**- Striking tools used in compliance with General Order 300.01 entitled, "CAS Baton".
 - f. **Conducted Electrical Weapon (CEW) Taser**- Used in compliance with General Order 300.02 entitled "Use of Conducted Electrical Weapons (CEW), Taser".
- ii. Techniques intended or designed to cut off blood flow or oxygen to the brain will not be used unless lethal force is authorized.
- iii. It is understood that when requesting mutual aid assistance, the available force options of the responding agency may be different from those of the requesting agency. Responding officers shall be subject to the policies and procedures of their employing agencies at all times.
- iv. Authorized less lethal weapons are those with which the Deputy Sheriff has received Division approved training on proper and safe usage, and that comply with Divisional specifications. A certified instructor will inspect and approve all less lethal weapons authorized for duty prior to issuance.

2. Training and Proficiency

- i. At least biennially, each sworn Deputy Sheriff is required to demonstrate proficiency with Division approved less lethal force options, which he/she is authorized to use. Proficiency standards are established as follows:
 - a. Attain minimum qualification requirements in accordance with performance standards as determined by a certified instructor, taking into consideration current training doctrine, methods, or trends.
 - b. Being familiar with recognized safe-handling techniques.
 - c. Knowledge of Division directives and policies pertaining to the use of less lethal force options.

- d. The program of instruction will be conducted by a qualified instructor who has achieved and maintained certification in the respective less lethal force option(s).
- ii. The Division of Sheriffs will maintain training documentation to include lesson plans.
- iii. Deputy Sheriffs requiring remedial training will be given personal instruction on the subject matter by a certified instructor as described in Section IV (E) (2) (i-d) above, who will document the session and provide a subsequent opportunity to achieve proficiency standards.
- iv. Remedial training will be provided and proficiency standards satisfied prior to a Deputy Sheriff being authorized to carry the less lethal force option(s).

F. WEAPONS TRAINING

- 1. Prior to being authorized to carry any lethal or less lethal weapon, Division personnel will be instructed on and issued copies of Division use of force policies. This instruction and issuance will be documented by the Division.

G. REPORTING USES OF FORCE

- 1. Deputy Sheriffs will notify a supervisor, without unnecessary delay, when reportable force is used. This includes instances where Division members take action while off-duty and a use of force occurs. The supervisor notified of a reportable use of force will comply with investigative procedures as required by the Division.
 - i. A reportable use of force is defined as any incident in which a sworn Division member exercises their Deputy Sheriff powers and uses lethal force or any force option including physical force.
 - ii. Exceptions to reportable force: command presence; verbal commands; physical strength and skills which do not result in injury, the appearance of injury or complaint of pain (e.g., the use of a grip to control a suspect's hand while searching or handcuffing); or, that force objectively reasonable to overcome resistance due to physical disability or intoxication, which does not result in injury, the appearance of injury or complaint of pain (e.g., lifting an intoxicated person to a standing position).
- 2. A Response To Resistance/Non-Compliance Report form (Appendix A for sample) will be prepared by those Deputy Sheriffs who employ force when the following have occurred:
 - i. The use of force results in death, injury, or an allegation of injury to a person.

- ii. The drawing of a firearm on a person for the purpose of obtaining and/or maintaining control of that person.
 - iii. A lethal force or a less-lethal force option is used on a person.
- 3. A Divisional Incident Report form will be prepared according to Division procedures will be required when the following have occurred:
 - i. A firearm is discharged outside of the firing range.
 - ii. A firearm is discharged to euthanize an animal, as set forth in Section IV (A) (3) (b).

H. DIVISIONAL RESPONSE

- 1. Lethal force incident
 - i. Where a Deputy Sheriff's use of force causes death or serious bodily injury, the Deputy Sheriff may be placed on paid administrative leave pending the outcome of an internal investigation or be temporally assigned administrative duties within the Division, which may include a post-shooting intervention (when applicable) is conducted by a licensed mental health professional preferably experienced in working with law enforcement personnel.
 - ii. The Chief Sheriff will direct the administrative investigation. The Rhode Island State Police will conduct a criminal investigation of the incident.
 - iii. All police-involved shootings and in-custody deaths, will be investigated in accordance with the *Rhode Island Attorney General's Protocol Regarding Use of Deadly Force Incidents and Custodial Deaths*.
- 2. Administrative review of use of force incidents:
 - i. All reported uses of force will be reviewed by a member of the Command Staff at the direction of Chief Sheriff to determine whether:
 - a. Divisional rules, policy, or procedures were violated.
 - b. The relevant policy was clearly understandable and effective to cover the situation.
 - c. Division training is currently adequate.
 - ii. All findings of policy violations or training inadequacies will be reported to the Chief Sheriff for resolution and/or discipline.
 - iii. All Use of Force reports will be retained as required by Division policy.

- iv. There will be a documented annual analysis of those reports required under Section IV(G)(2) and (3) of this policy by the Division to ascertain training needs, equipment upgrades and or policy modifications.
- v. An annual summary report of this analysis will be compiled. This report will be:
 - a. Submitted to the Commanding Officer, Department of Public Safety
 - b. Made available to the public upon request.



By Order Of:

A handwritten signature in black ink, which appears to read "David M. DeCesare". The signature is fluid and cursive, extending to the right.

David M. DeCesare
Chief Sheriff
Division of Sheriffs
Rhode Island Department of Public Safety

APPENDIX A

Refer to: Response To Resistance/Non-Compliance Report